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Universal periodic review

### Letter dated 26 September 2019 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I am writing to you with regard to the consideration of the universal periodic review outcome of the State of Qatar, held on 20 September 2019 during the twenty-sixth meeting of the forty-second session of the Human Rights Council.

In this regard, I have the honour to inform you that, during the meeting, I drew the attention of the Council to the facts below.

During the review of the State of Qatar, held on Wednesday, 15 May 2019 during the thirty-third session of the Working Group on the Universal Periodic Review, the United Arab Emirates addressed four recommendations to the State of Qatar, namely, recommendations 134.62, 134.63, 134.64 and 134.191 (see A/HRC/42/15).

By its note verbale dated 29 May 2019 (see annex I), the secretariat of the Universal Periodic Review informed the Permanent Mission of the State of Qatar in Geneva that “the amendments made to [the] recommendations in the draft report of the Working Group on the [Universal Periodic Review] distributed to all Permanent Missions on 17 May 2019 were initiated and communicated by the [United Arab Emirates] to the troika [of Qatar]”, and that “upon verifying their accuracy against the audio file and informing the State under review, the troika, as per standard practice, orally introduced the amendments at the adoption of the report in the 18th meeting of the [thirty-third] session of Working Group on 17 May 2019”. The report, as amended, was adopted by the Working Group.

On 23 May 2019, the Ambassador of the United Arab Emirates to the Kingdom of Netherlands and agent of the United Arab Emirates before the International Court of Justice furnished a letter to the Registrar of the Court (see annex II, attachment) claiming to “submit two new pieces of evidence into the record of the case concerning the application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Qatar v. United Arab Emirates*)”.

The letter indicated that “the second piece of evidence is a link to a video showing parts of the proceedings regarding the [...] universal periodic review [...] of Qatar. The video shows that, on 17 May 2019, the reviewing [t]roika of States announced amendments to the [r]eport of Qatar by the [...] Working Group”. The letter mentioned three recommendations (out of the four recommendations made by the United Arab Emirates), and indicated that “these recommendations [were] relevant to the [...] concerns [of the United Arab Emirates] about the unreliability of evidence produced by [the] National Human Rights Committee [of



Qatar] raised during the hearing of the [...] request [by the United Arab Emirates] for [p]rovisional [m]easures". However, the letter addressed to the Registrar of the International Court of Justice deliberately failed to mention that these recommendations, and the amendments thereto, had been made by the United Arab Emirates.

It is crystal clear that the purpose of the letter written by the United Arab Emirates was to mislead the International Court of Justice by giving the false impression that the recommendations were made to Qatar by the Member States making up the troika, and not by the United Arab Emirates.

Such regrettable behaviour cannot be ignored. It clearly violates the principles and objectives set forth for the universal periodic review mechanism and identified by the Human Rights Council in paragraph 1 of the annex to its resolution 5/1 on the institution-building of the Council, and also represents an unprecedented misuse of the review mechanism, which is supposed to be used in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner, with the main aims of promoting and protecting human rights in the State under review. It should not be exploited for purposes that have nothing to do with the cause of human rights.

I hereby, Mr. President, reiterate the request that I made during the adoption of the outcome, namely, that you draw the attention of the United Arab Emirates to the gravity of its misconduct, and request the State to avoid such inappropriate action in the future.

Lastly, I request that present letter and the annexes thereto\* be circulated as a document of the forty-second session of the Human Rights Council.

(Signed) Ali **Al-Mansouri**  
Ambassador/ Permanent Representative

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\* Reproduced as received, in the language of submission only.

## **Annex I to the letter dated 26 September 2019 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

### **Note verbale dated 29 May 2019 from the Secretariat of the Universal Periodic Review of the Human Rights Council addressed to the Permanent Mission of the State of Qatar to the United Nations Office at Geneva**

The Secretariat of the Universal Periodic Review of the Human Rights Council presents its compliments to the Permanent Mission of the State of Qatar to the United Nations Office and other international organizations in Geneva and has the honour to refer to the latter's Note Verbale 2019/0041302/5 of 28 May 2019 (Subject: Amendments made to recommendations presented to the State of Qatar).

The Secretariat wishes to inform that the amendments made to recommendations 6.62 – 64 and 6.191 in the Draft Report of the Working Group of the Universal Periodic Review on the State of Qatar (A/HRC/WG.6/33/L.13), distributed to all Permanent Missions on 17 May 2019, were initiated and communicated by the United Arab Emirates to the troika after its distribution. Upon verifying their accuracy against the audio file and informing the State under review, the troika, as per standard practice, orally introduced them at the adoption of the report in the 18th meeting of the 33<sup>rd</sup> session of the Working Group on 17 May 2019. The report, as amended, was adopted by the Working Group.

The following is the wording of the recommendations with the amendments in track changes:

- 6.62 Amend the Law 17 of 2010 regarding the establishment of the National Human Rights ~~Commission~~ Committee to ensure so that it is in compliance with the Paris Principles (United Arab Emirates);
- 6.63 Cease to instrumentalize the Human Rights ~~Commission~~ Committee in carrying activities for political ends and request avoid the Committee to refrain from implementing embarking upon the government programs in contradiction with that are not in tune with the Paris Principles in order and to ensure the independence of the ~~Human Rights Committee~~ session (United Arab Emirates);
- 6.64 Review ~~Revise~~ its national practices, activities, and ~~related national~~ legislation relevant to on the issue of terrorism issues to ensure that they are in conformity in order to harmonize its laws with international standards and the relevant United Nations ~~relevant~~ resolutions (United Arab Emirates);
- 6.191 Put an end to domestic violence and ~~to~~ provide protection and ~~appropriate~~ compensation to the victims ~~of domestic violence~~ (United Arab Emirates).

The Secretariat wishes to notify that the proceedings of the adoption of the draft report on the State of Qatar at the 18<sup>th</sup> meeting of the 33<sup>rd</sup> session of the Working Group have been recorded and are available at: <http://webtv.un.org/meetings-events/human-rights-council/watch/qatar-upr-adoption-33rd-session-of-universal-periodic-review-/6038127276001/?term=>

Both versions of the report, as distributed and as adopted, are available on the UPR Extranet:

<https://extranet.ohchr.org/sites/upr/Sessions/33session/Qatar/Pages/default.aspx>

The Secretariat of the Universal Periodic Review of the Human Rights Council avails itself of this opportunity to renew to the Permanent Mission of the State of Qatar to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

**Annex II to the letter dated 26 September 2019 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

**Letter dated 24 May 2019 from the Registrar of the International Court of Justice addressed to the agent of the State of Qatar before the Court and the attachment thereto**

Sir,

With reference to the case concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), I have the honour to transmit to you herewith a copy of a letter from H.E. Dr. Hissa Abdullah Ahmed Al-Otaiba, Agent of the United Arab Emirates, dated 23 May 2019 and received in the Registry today. By her letter, the Agent “submit[s] two new pieces of evidence...relevant to the Request for the indication of provisional measures” presented by the United Arab Emirates on 22 March 2019.

Accept, Sir, the assurances of my highest consideration.

Philippe Couvreur  
Registrar

## Attachment

Excellency,

I have the honour to write to you to submit two new pieces of evidence onto the record of the case concerning the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates). These two pieces of evidence are relevant to the Request for the Indication of Provisional Measures to Preserve the United Arab Emirates' Procedural Rights and to Prevent Qatar from Aggravating or Extending the Dispute filed by the United Arab Emirates (the "UAE") on 22 March 2019 (the "UAE's Request for Provisional Measures"). Each piece of evidence was issued after the 7-9 May 2019 hearing on the UAE's Request for Provisional Measures. Each piece of evidence is part of a publication that is readily available.

The first piece of evidence is a statement issued by the Ministry of Hajj and Umrah of the Kingdom of Saudi Arabia dated 14 May 2019.<sup>1</sup> It states, *inter alia*, that the State of Qatar ("Qatar") has blocked the website of the Saudi Ministry that was in charge of facilitating the travel of Qatari citizens to undertake pilgrimages to Mecca, Saudi Arabia.<sup>2</sup> This statement is relevant to the UAE's concern that Qatar is hampering the ability of Qatari citizens to apply for and obtain visas, raised during the hearing on the UAE's Request for Provisional Measures.

The second piece of evidence is a link to a video showing part of the proceedings regarding the United Nations' Human Rights Council Universal Periodic Review (the "UPR") of Qatar. The video shows that, on 17 May 2019, the reviewing Troika of States<sup>3</sup> announced amendments to the Report of Qatar adopted by the UPR Working Group. The first three amendments to the Report ask Qatar to:

1. "Amend the Law 17 of 2010 regarding the establishment of the [Qatar] National Human Rights Committee to ensure that it is in compliance with the Paris Principles";<sup>4</sup>
2. "Cease to instrumentalise the [Qatar National] Human Rights Committee in carrying activities for political ends";<sup>5</sup> and
3. "Request the [Qatar National Human Rights] Committee to refrain from implementing government programmes in contradiction with the Paris Principles in order to ensure the independence of the Committee".<sup>6</sup>

<sup>1</sup> See Saudi Press Agency, "Ministry of Hajj and Umrah Launches New Link to Receive Umrah Requests from Qatari Brothers", 14 May 2019, available at: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1924185>.

<sup>2</sup> Specifically, the press release states that: "The Ministry of Hajj and Umrah has announced the launch of new link (<https://qtumra.haj.gov.sa>) to receive Umrah requests from Qatari brothers. The launch of this link comes as the Qatari authorities blocked the access to the previous link (<https://qatari.haj.gov.sa>), which was used to receive Umrah requests from Qatari brothers." See Saudi Press Agency, "Ministry of Hajj and Umrah Launches New Link to Receive Umrah Requests from Qatari Brothers", 14 May 2019, available at: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1924185>.

<sup>3</sup> The Democratic Republic of Congo, Iraq and the United Kingdom.

<sup>4</sup> UN Web TV, "Qatar, UPR Adoption - 33rd Session of Universal Periodic Review", 17 May 2019, minutes 2:20 to 2:39, available at: <http://webtv.un.org/meetings-events/security-council/watchqatar-upr-adoption-33rd-session-of-universal-periodic-review-/6038129303001/?term=&sort=popular>.

<sup>5</sup> UN Web TV, "Qatar, UPR Adoption - 33rd Session of Universal Periodic Review", 17 May 2019, minutes 2:40 to 2:48, available at: <http://webtv.un.org/meetings-events/security-council/watchqatar-upr-adoption-33rd-session-of-universal-periodic-review-/6038129303001/?term=&sort=popular>.

<sup>6</sup> UN Web TV, "Qatar, UPR Adoption - 33rd Session of Universal Periodic Review", 17 May 2019,

These recommendations are relevant to the UAE's concerns about the unreliability of evidence produced by Qatar's National Human Rights Committee, raised during the hearing on the UAE's Request for Provisional Measures.

Pursuant to Article 50(1) of the Rules of Court, I certify that both pieces of evidence, embedded in footnotes 1, 2, 4, 5 and 6 above, are a true copy of the originals.

Accept, Excellency, the assurance of my highest consideration.

Dr Hissa Abdullah Ahmed **Al-Otaiba**  
Ambassador of the United Arab Emirates to the Kingdom of the Netherlands  
Agent of the United Arab Emirates

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minutes 2:49 to 2:58, available at: <http://webtv.un.org/meetings-events/security-council/watch%20/watch/qatar-upr-adoption-33rd-session-of-universal-periodic-review-/6038129303001/?term=&sort=popular>.